

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FAYELYNN SAMS, Individually,
and on behalf of a class of all others
similarly situated,

Plaintiffs,

v.

YAHOO! INC.,

Defendant.

Civil Action File No.
10-CV-03509-JEC

**JOINT CONSENT MOTION TO STAY DEADLINES FOR THE PARTIES’
RULE 26 DISCLOSURES AND DEFENDANT’S RESPONSE TO
PLAINTIFF’S AMENDED COMPLAINT PENDING RESOLUTION OF
PLAINTIFF’S MOTION TO TRANSFER**

Plaintiff FAYELYNN SAMS, individually, and on behalf of a class of all others similarly situated, (“Plaintiff”) and Defendant, YAHOO! INC. (“Yahoo!” or “Defendant,” and collectively “parties”), hereby request that the Court: (i) stay the deadline for the parties’ initial disclosures as required under Fed. R. Civ. P. 26(a)(1)(C) and Local Rule 26.1(A) until this Court rules on Plaintiff’s motion to transfer; and (ii) grant an extension of Defendant’s deadline to respond to Plaintiff’s Amended Complaint until this Court rules on Plaintiff’s motion to transfer. The parties request that if the Court denies Plaintiff’s motion, the parties’

initial disclosures under Rule 26 and Defendant's renewed motion to dismiss or answer be due 14 days after the Court enters its decision.

On November 26, 2010, Plaintiff filed a motion to transfer this case to the United States District Court for the Northern District of California. (Dkt. 14). Upon review of Plaintiff's motion to transfer, Defendant has determined that it will consent to transfer this case to the United States District Court for the Northern District of California subject to the brief Defendant has filed in response to Plaintiff's motion to transfer. Pursuant to the Briefing Schedule entered by this Court on December 2, 2010 (Dkt. 16), however, Defendant's deadline to respond to Plaintiff's amended complaint is December 15, 2010.

Accordingly, based on Defendant's response to Plaintiff's motion to transfer, the parties agree that it would result in a waste of judicial resources as well as the parties' resources to brief a renewed motion to dismiss prior to this Court's ruling on Plaintiff's motion to transfer venue. Additionally, to preserve the parties resources and to prevent any possible conflict with discovery obligations that may accrue upon transfer to the United States District Court for the Northern District of California, the parties agree that this Court should stay the parties' deadline for serving and filing initial disclosures pursuant to Rule 26 until after the Court rules on the motion to transfer, and if the motion is denied, this Court should provide 14

days after its decision for Plaintiff and Defendant to serve and file their initial disclosures and for Defendant to file its renewed motion to dismiss or otherwise answer Plaintiff's amended complaint.

Respectfully submitted, this 10th day of December, 2010.

Consented to by:

s/ Jeanine G. Garvie, Esq.

Christian S. Genetski, Esq.
Georgia Bar No. 289715.
Marc J. Zwillinger, Esq.
Admitted pro hac vice
ZWILLINGER GENETSKI LLP
1705 N Street, NW
Washington, D.C. 20036
Phone: (202) 296-3585
Facsimile: (202) 706-5298
christian@zwillgen.com
marc@zwillgen.com

Jeanine G. Garvie, Esq.
Georgia Bar No. 292590
Candice Wilson, Esq.
Georgia Bar No. 118221
MCKENNA LONG & ALDRIDGE LLP
303 Peachtree St. NE
Suite 5300
Atlanta, Georgia 30308
Phone: (404) 527-4000
Fax: (404) 527-4198
jgarvie@mckennalong.com
cvwilson@mckennalong.com

Attorneys for Defendant

s/ Joshua A. Millican, Esq.

Joshua A. Millican
Georgia Bar No. 508998
LAW OFFICES OF JOSHUA A.
MILLICAN, P.C.
The Grant Building, Suite 607
44 Broad Street, NW
Atlanta, GA 30303
Phone: (404) 522-1152
Facsimile: (404) 522-1133
joshua.millican@lawofficepc.com

Attorney for Plaintiff

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**[PROPOSED] ORDER TO STAY DEADLINES FOR THE PARTIES' RULE
26 DISCLOSURES AND DEFENDANT'S RESPONSE TO PLAINTIFF'S
AMENDED COMPLAINT PENDING RESOLUTION OF PLAINTIFF'S
MOTION TO TRANSFER**

Plaintiff FAYELYNN SAMS, individually, and on behalf of a class of all
others similarly situated, ("Plaintiff") and Defendant, YAHOO! INC. ("Yahoo!" or
"Defendant"), have submitted a "JOINT CONSENT MOTION TO STAY
DEADLINES FOR THE PARTIES' RULE 26 DISCLOSURES AND
DEFENDANT'S RESPONSE TO PLAINTIFF'S AMENDED COMPLAINT
PENDING RESOLUTION OF PLAINTIFF'S MOTION TO TRANSFER":

IT IS HEREBY ORDERED that the parties' deadlines for initial disclosures
under Federal Rule of Civil Procedure 26 and Local Rule 26, Defendant's deadline
to file a renewed motion to dismiss or otherwise answer Plaintiff's amended

complaint, and all other preliminary deadlines are stayed until 14 days after this Court issues a ruling on Plaintiff's Motion to Transfer, (Dkt. 14), unless such disclosures are rendered moot by transfer of this case to the Northern District of California.

SO ORDERED, THIS ____ DAY OF _____, 2010.

Julie E. Carnes, Chief Judge
United States District Court,
Northern District of Georgia

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CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2010, I electronically filed the parties JOINT CONSENT MOTION TO STAY DEADLINES FOR THE PARTIES' RULE 26 DISCLOSURES AND DEFENDANT'S RESPONSE TO PLAINTIFF'S AMENDED COMPLAINT PENDING RESOLUTION OF PLAINTIFF'S MOTION TO TRANSFER with the Clerk of Court using CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Christian S. Genetski, Esq.
Marc J. Zwillinger, Esq.
ZWILLINGER GENETSKI LLP

Jeanine G. Garvie, Esq.
Candice Wilson, Esq.
MCKENNA LONG & ALDRIDGE LLP

s/ Joshua A. Millican, Esq.

Joshua A. Millican

Georgia Bar No. 508998

LAW OFFICE OF JOSHUA A.
MILLICAN, P.C.

The Grant Building, Suite 607

44 Broad Street, N.W.

Atlanta, Georgia 30303

Telephone: (404) 522-1152

Facsimile: (404) 522-1133

joshua.millican@lawofficepc.com